

// A special meeting of the Council of the City of Lynchburg, recessed from August 8, was held on the 11<sup>th</sup> day of August, 2006, at 3:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to discuss City Council's next step following the Planning Commission's action on August 9 regarding an amendment to the City's Zoning Ordinance to require a conditional use permit in certain business districts. The following Members were present:

Present: Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 6

Absent: Dodson 1

// On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and staff concerning a specific legal matter, the Pedcor Project, pursuant to Section 2.2-3711 (A) (7) of the Code of Virginia, 1950, as amended:

Ayes: Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 6

Noes: 0

Absent: Dodson 1

// Vice Mayor Dodson joined the closed meeting at 3:15 p.m.

// The meeting was re-opened to the public at 5:03 p.m.

// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// Mayor Foster stated that the City Attorney had a statement to make. City Attorney Walter Erwin made the following statement...There seems to be a widespread belief that this is a very simple matter, that all the City has to do is amend the zoning ordinance and that will put a stop to the proposed Logan's Landing project. But this is simply not the case. This is a much more complicated issue because Logan's Landing is a low income housing facility that is being financed with Federal tax credits and any action by the City to

amend the current zoning ordinance might be viewed as a violation of the Federal Fair Housing Act. The City's decision in this matter could have very serious consequences for the City and its citizens. Because of these consequences City Council needs to act in a deliberate and thoughtful manner. It should not act too slowly that it cannot take advantage of the opportunities afforded under Virginia's zoning laws but at the same time it should not act so hastily that it violates Federal law. In order to ensure it complies with both Virginia's zoning laws and applicable Federal laws and to make sure it receives the best possible legal advice concerning this matter, the City will consult with an additional law firm with expertise in both Virginia zoning law and Federal law and will be guided by the advice it receives in making a decision.

// Council Member Seiffert made a motion that the City Council and the Planning Commission hold a joint public hearing at the Council's regularly scheduled meeting on September 12, 2006 at 7:30 p.m. to hear public comment on the proposed amendments that the Planning Commission initiated to the City's Zoning Ordinance at their meeting on August 9, 2006. The motion was seconded by Council Member Helgeson and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

0

// The meeting was adjourned at 5:07 p.m.

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Clerk of Council